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Lawmaking

Published by
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Secretary of the Commonwealth
Tours and Government
Education Division

IN MASSACHUSETTS



Dear Citizen,

One of the most important functions of government is the legislative process. Yet, in many ways, it also appears to be among the most mysterious. The Secretary of the Commonwealth has published this booklet, *Lawmaking in Massachusetts*, to help clear up the mysteries and provide you with a basic understanding of how a bill becomes a law, and to explain how you can become involved in the process. It follows lawmaking in our General Court step by step from the initial filing of a bill until the day when the governor signs the bill into law.

The legislative process is sometimes frustrating, often rewarding, always fascinating. I hope this publication answers your questions about lawmaking and increases your interest in this essential governmental role.

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William Francis Galvin, Secretary of the Commonwealth

AN OVERVIEW

The responsibility for enacting laws in Massachusetts rests primarily with the state legislature, formally known as the General Court. It is divided into two branches: a 160-member House of Representatives and a 40-member Senate. The two legislative branches work concurrently on pending laws brought before them.

Lawmaking begins in the House or Senate Clerk's office where petitions, accompanied by bills, resolves, etc., are filed and recorded in a docket book. The clerks number the bills and assign them to appropriate joint committees. There are 21 of these committees, each responsible for studying the bills which pertain to a specific area (i.e. taxation, education, health care, insurance, etc. - see

complete list of committees on the back cover). Each committee is composed of six Senators and eleven Representatives, except for the committee on Transportation which has seven members on the Senate and thirteen members on the part of the House.

The standing committees schedule public hearings for the individual bills, which afford citizens, legislators and lobbyists the opportunity to express their views. Committee members meet at a later time in executive session* to review the public testimony and discuss the merits of each bill before making their recommendations to the full membership of the House or Senate. The committee then issues its report, recommending that a bill "ought to pass" or "ought not to pass" and the report is submitted to the Clerk's office.

The first reading of a favorably-reported bill is automatic and occurs when the committee's report appears in the Journal of the House or Senate Clerk. Matters not requiring reference to another joint House or Senate committee are, following the first reading, referred without debate to the Committee on Steering and Policy in the Senate (except certain special laws relative to a city or town), or placed in the Orders of the Day (the Calendar) without debate, for a second reading in the House.

If a bill affects the finances of the Commonwealth, it is referred to the Senate or House Committee on Ways and Means after the first reading. If the bill involves county finances when reported in the House, it is then referred to the com-

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* An "executive" session in the legislature is not private. The public may observe, but not participate in, these meetings.

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mittee on Counties on the part of the House (this rule does not apply to the Senate).

Adverse reports ("ought not to pass") are also referred to the Committee on Steering and Policy in the Senate¹ or placed without debate in the Orders of the Day for the next session of the House. Acceptance by either branch of an adverse report is considered the final rejection of the matter. However, an adverse report can be overturned. A member may move to substitute the bill for the report, and, if the motion to substitute carries, the matter is then given its first reading and follows the same procedure as if reported favorably by committee.

After a bill takes its second reading, it is open to debate on amendments and motions. Following debate, a vote is taken and if the bill receives a favorable vote by the membership, it is ordered to a third reading and referred to the Committee on Bills in the Third Reading. This amounts to the preliminary passage of the bill in one branch.

That committee examines technical points, as well as the legality and constitutionality of the measure, and ensures that it does not duplicate or contradict existing law. The House committee on Bills in the Third Reading is required to report on any matter referred to it no later than 45 days after receiving it. The committee then issues a report and returns the bill to the respective House or Senate for its third reading. At that time, legislators can further debate and amend the bill. Following the third reading, the body votes on "pass-

ing the bill to be engrossed."

The bill must then pass through three readings and engrossment in the second legislative branch. Should that occur, it is sent to the Legislative Engrossing Division where it is typed on special parchment in accordance with the General Laws.

However, if the second branch passes an amended version of the bill, the legislation returns to the original branch for a vote of concurrence in the amendment. If concurrence is rejected, a conference committee consisting of three members from each legislative branch representing both political parties may be formed to effect a compromise piece of legislation. When a compromise is reached, the bill is sent to both legislative branches for their approval.

A vote "to enact" the bill, first in the House and later in the Senate, is the final step in the passage of a bill by the legislature.

Following enactment, the bill goes to the governor, who may sign the bill into law, allow it to become law without signing it (if the governor holds the bill for ten days without taking any action while the legislature is in session, it becomes law without his or her signature), veto it, or return it to the legislature with recommended changes. If the legislature has prorogued, concluded its yearly session, and the governor does not sign the bill within ten days, it dies. This is referred to as a "pocket veto." The ten-day period includes every day except Sundays and holidays, and it begins the day after the legislation is laid on the governor's desk.

A bill signed by the gover-

nor, or passed by two-thirds of both branches over his veto, becomes a law. It is usually effective in ninety days. The day after the governor signs the bill is considered to be the first day, and each succeeding day, including Sundays and holidays, is counted until the ninetieth.

Laws considered "emergency" in nature take effect immediately upon signing if the legislature has voted to attach an "emergency preamble" to the bill. Adoption of the preamble requires a two-thirds vote of the membership.

The governor may also declare an act to be an emergency law and make it effective at once. A special act takes effect thirty days from the day it is signed, unless it contains a provision to make it effective immediately.

THE LEGISLATIVE PROCESS: ACCESSIBLE TO ALL

The workings of the legislature are accessible to you as a citizen of Massachusetts. You are strongly encouraged to observe the proceedings at the State House.

Observing a Committee Hearing

Call the House Clerk's office at (617) 722-2356 or the Senate Clerk's office at (617) 722-1276 or check the newspapers for the schedules of public hearings on legislative proposals. Most hearings occur during the morning, Monday through Thursday, throughout the year, but especially between February and June in the first annual session of the two-year General Court.

Upon arrival at the State House, go to the Legislative Documents Division (Room 428), where you can obtain a

¹ The Committee on Steering and Policy was established in 1983 to advise the Senate on the order of priorities of the matters referred to it, on the urgency for consideration of such matters, and on alternative methods of responding to such matters. The committee is required to report on the Senate floor on the bills referred to it no later than 30 days after receiving them, and before the last formal sitting of the legislative session.

copy of the Daily List of Legislative Committee Hearings. It contains a list of bills upon which testimony will be heard on that day. Bills concerning the same general subject are usually grouped together and heard at a single hearing.

Copies of bills under consideration may be secured either in Room 428 or in the hearing room. Also available to you are Bulletins of Committee Work, containing the names of the members of each committee, as well as a listing and brief legislative history of all bills assigned to each committee.

Most hearings are informal. Visitors are allowed to enter and leave the hearing room at any time during the proceedings.

The Senate or House chairpersons conduct hearings on matters before joint committees. Bills are generally discussed in the order of their appearance in the Daily List. Customarily, the testimony of the proponents is presented first, followed by that of the opponents. Legislators and constitutional officers are permitted to speak out of turn.

The hearing ends following completion of testimony on the bills under consideration. Later, the members meet in executive session to discuss the bill as described in Part One of this publication.

Observing the House or Senate in Session

The House of Representatives and the Senate usually meet Monday through Wednesday at 1:00 pm in formal session, and Thursday at 11:00 am in an informal session (without a calendar). Formal sessions of the House and Senate are broadcast live on local television (Channel 44).

Public galleries for observing the activity within the chambers are located on the fourth floor and visitors are permitted to enter and leave freely. The presiding officers in each chamber are elected by the full membership of the respective branches at the beginning of each biennial session of the legislature.

The presiding officer in the House is the Speaker of the House; in the Senate, the presiding officer is the Senate President. The presiding officer first takes up matters which are not listed in the Calendar such as reconsideration or enactment of bills, and adoption of resolutions and orders. The body then proceeds to those matters listed in the Orders of the Day (the Calendar). Informal or non-calendar sessions consider only noncontroversial matters.

You may obtain the Calendar for the House or Senate sessions from the Legislative Documents Division, Room 428. This document will enable you to follow the proceedings of the legislative session.

The clerk of each branch reads each bill by title before any action is taken on it. The clerk's staff records the proceedings of each session. Any member desiring to debate a specific item on the Calendar calls out "pass" when the item is read by the clerk. The item is then "passed" for debate. After all noncontroversial items are disposed of, the "passed" items are taken up.

Debate on a bill may occur during the second and third readings. The clerk identifies the bill by title before debate is allowed to begin. Following the conclusion of debate, a vote is taken.

When a vote is taken on a bill, the presiding officer in each branch calls, "all those in favor, say 'aye'; opposed 'nay'." He or she then interprets the consensus of the membership. A member doubting that ruling may request a standing vote or a roll call. The latter is ordered if at least twenty members of the House support it. In the Senate, one-fifth of the members present must support the request for a roll call.

In the Senate, roll call votes are conducted orally. Each member's name is read and the vote recorded, with the results tallied by the clerk. An electronic voting system is used in the House. There, each representative is assigned a desk with a roll call box, which is connected electronically to the roll call boards¹ in the front of the House chamber. During the vote, a member presses either a "yea" or a "nay" button on his or her desk corresponding respectively to either a green or red light beside the member's name on the roll call board.

When the vote is completed, a tally is shown at the top of the boards beneath the number of the bill upon which the vote was taken.

PARTICIPATING IN THE LEGISLATIVE PROCESS

Massachusetts citizens are permitted and encouraged to take an active role in the law-making process of the state legislature. It is a good idea for a person who feels strongly about an issue to present his or her ideas to a Representative or Senator.

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¹ The roll call board on the left side of the chamber contains the names of the majority membership, beginning with members of the leadership. The remaining party members are listed below in alphabetical order continuing onto the board on the right side of the chamber. Members of the minority party leadership and their members follow.

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That person may discover that those concerns have already been formulated into a bill which is awaiting legislative action. If not, the citizen is allowed to file legislation addressing the subject. Massachusetts is one of the few states to allow its citizens to do so. This access is called the "right of free petition."

Although it is not mandatory that a Representative or Senator sponsor a citizen's bill, the rules of the House and Senate provide that a petition must be endorsed for presentation by a member before it can be considered by the General Court. Obtaining the support of individual legislators, then, is most advisable.

Legislation must be filed in either the House or Senate Clerk's office by the first Wednesday in December preceding the first annual session of the two-year General Court. The joint rules, as changed and adopted in 1995, provide that any matter pending before the legislature at the end of the first annual session shall carry over into the second annual session at the same legislative status, except Appropriation Bills recommended by the Governor. Other pieces of legislation that do not have local approval of a city or town and which are filed at any other time would be considered late filed petitions and thus start their course in the respective Rules committees of the two branches. The legislature is elected biennially in even-numbered years.

When a bill is filed, it is recorded in a docket book in the Clerk's office. The book provides the name of the legislator filing the bill, the

names of the petitioners, the subject matter of the bill and the number the bill has been given for the legislative session. The books are especially useful when one is trying to locate various pieces of legislation of a similar nature before the Legislative Bulletin is published or the formal listing of all legislation appears in the subject index. (A partial subject index is available in the Clerk's office shortly after all legislation has been filed in the General Court; a more complete version is available usually by midyear. The "carryover" provisions of pending legislation from the first term into the second annual session became effective with the 1995-1996 session of the General Court.)

The petitioner may want to contact other petitioners whose legislation addresses the same issue as the one in which he or she is interested. Working cooperatively rather than independently can increase the impact of the proponents' arguments.

A petitioner should be well-prepared before testifying at a public hearing. Well organized, well-researched presentation statements naturally have a positive influence on committee members. If unable to attend a public hearing, a petitioner should prepare written testimony which can be accepted by a committee before the scheduled hearing.

Petitioners should prepare a summary of the planned testimony and make a number of copies for distribution to committee members, staff members and any media representatives present. This allows members to make notes on the testimony while the petitioner is speaking. If the

petitioner is serving as a spokesperson for a group, he or she should mention that to the committee prior to testifying. Very often, only written testimony is accepted on refiled bills.

At the conclusion of the presentation, committee members may request further information or clarification. After all testimony is heard, the hearing is complete and the committee will meet, in executive session, either that day or at a later time, to decide whether to issue a favorable or unfavorable report.

The committee report is crucial to the survival of a bill, since the recommendations of all committee reports are generally followed by the legislature.

"Money" bills (bills imposing a state tax) must be first reported in the House. Following the first reading of such a bill it is referred to the House Committee on Ways and Means for further study. Ways and Means issues a report which is sent to the House; the bill is then read a second time and continues through the legislative process. The same procedure is followed when the bill reaches the Senate. Petitioners should remain in contact with the Clerk's office or the appropriate committee to find out when the bill will receive a reading before the full body. Petitioners should also try to attend that legislative session so that they can encourage support of legislators to speak in favor of the bill. If the bill survives the debate in the second reading, a vote will be taken "ordering the bill to a third reading," and the process continues as described in Part One.

As the bill continues through the legislative process, the petitioner should work to convince legislators to support it. The survival of any bill depends on continued favorable votes in both branches of the legislature.

If the bill passes in both branches, it is sent to the House and then to the Senate for a "vote to enact" the bill. Enactment is usually a formality but it does represent the final passage of a bill by the legislature.

The last step in the process is action by the governor. Letter-writing campaigns and telegrams are often utilized to acquaint the governor with citizen support or opposition.

After the bill is signed by the governor, it becomes law, usually effective in ninety days. However, there may be an "emergency preamble" attached to some laws, making them effective immediately, as explained in Part One.

The process of bringing a bill to fruition as a law in Massachusetts is a long, often tedious, one. However, it is also very exciting and extremely worthwhile. It brings the average citizen of the Commonwealth much closer to state government. And, quite likely, if a petitioner is successful in gaining acceptance for the legislation, that law will be in existence long after he or she and all the legislators who passed it have departed from the scene.

GLOSSARY OF TERMS

Act

A bill that has been signed into law by the governor.

Acts and Resolves

A compilation of the bills and resolves enacted and passed by the legislature and signed by the governor. Bound in a volume on a yearly basis.

Adjournment

Termination of daily session.

Adverse Report

A committee recommendation that a matter ought not to pass.

Bill

Document accompanying a petition, usually asking for legislative action of a permanent nature.

Committee on Bills in the Third Reading

A committee of three which is empowered to examine and correct bills and resolves prior to their final reading in the Senate or House, resolutions for adoption, and amendments to bills, resolves and resolutions adopted by the other branch and before the body for concurrence.

Concurrence

Agreement by one branch with an action originating in the other branch.

Conference Committee

Committee consisting of three members from each body (one senator and one representative acting as chairman) appointed by the legislative leaders to resolve differences between the two bodies with regard to a specific matter. Failure of the committee to agree or failure of one body to accept the committee's recommendation results in the appointment of a new conference committee.

Daily List

List of committee hearings giving the committee, its matters, and the time and room number of each hearing.

Dissolved

Termination of an annual session of the General Court (the day preceding the first Wednesday in January).

Emergency Preamble

A preamble to a bill setting forth the facts constituting an emergency, and the statement that the law is necessary for the immediate preservation of the public peace, health, safety or convenience. Matters with emergency preambles become law immediately upon approval by the governor. Either the governor or the legislature may attach a preamble.

Enactment

Final passage of a bill by the House or Senate.

Engrossed Bill or Resolve

Final version of a bill for enactment or resolve for passage before the House or Senate after being typed on special parchment by the Legislative Engrossing Division and certified by the clerk.

Favorable Report

A committee recommendation that a matter ought to pass. A matter takes its first reading at this time.

Formal Session

Meeting to consider and act upon reports of committees, messages from the governor, petitions, orders, enactment papers from the other branch, matters in the Orders of the Day, and various other matters which may be controversial in nature and during which roll call votes may be taken.

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General Law

Legislative act applying generally to the Commonwealth and its citizens.

House and Senate Rules

Rules of order and procedure adopted by that branch at the beginning of each biennial session.

Informal Sessions

Meeting designated by the Speaker of the House and Senate President to consider reports of committees, enactments, papers from the other branch, amendments, matters in the Orders of the Day, and various other matters which are of a noncontroversial nature. Any session may be declared an informal session with prior notice given, or in cases of an emergency.

Initiative Petition

Request by a specified number of voters to submit a constitutional amendment or law to the people for approval or rejection. The petition is introduced into the General Court if signed by a number of citizens equaling three percent of the entire vote for governor in the preceding gubernatorial election. If a proposed initiative law fails to pass the General Court, additional signatures are required to place it on the ballot. A proposed initiative constitutional amendment approved by at least one quarter of the General Court, sitting in joint sessions by two consecutively elected General Courts, shall be placed on the ballot for approval by the voters.

Joint Committees

Twenty-one committees, consisting of six Senators and eleven Representatives, responsible for holding public hearings and reporting on all legislative matters referred to them.

Joint Rule 10

Rule requiring that all matters referred to joint committees be reported out of committees by the last Wednesday in June of the first annual session. If a matter is referred to committee after June 15 in the first annual session of the two-year General Court, it must be reported out within 10 days, excluding Sundays and holidays.

Joint Rule 33

Rule allowing the alteration, suspension or rescision of joint rules by a concurrent 2/3 vote of members present and voting. Some rules are suspended only by a 4/5 vote and a very few by unanimous consent.

Joint Rules

Rules for the governing of the two bodies adopted by both branches.

Lay on Table

To temporarily lay aside the consideration of a specific bill, resolve, report, amendment or motion. If an item is laid on the table, consideration is postponed until a subsequent motion taking the item off the table succeeds. A motion to lay on the table can be made only in the Senate.

Legislative Bulletin on Committee Work

A complete listing of all matters and the committees to which they are assigned. A short description of each matter, its number, hearing date and committee report can also be found here.

Legislative Record

Numerical listing of all numbered matters filed for consideration by the General Court. Includes a brief description of the matter and its full legislative history.

Massachusetts General Laws

All of the laws of Massachusetts of a general and permanent nature as embodied in the Official Edition of the Massachusetts General Laws (which are updated on a monthly basis), together with all amending and related general statutes subsequently enacted down through the current session of the General Court.

Money Bill

A bill that transfers money or property from the people to the Commonwealth, i.e., a bill that imposes a tax. These bills must be taken up in the House of Representatives first.

Order

Formal motion in writing, not requiring the governor's signature, which is temporary in nature and is used to establish investigative committees, to change rules and for other parliamentary actions.

Orders of the Day (Calendar)

Listing of most matters to be considered by the Senate and the House at each sitting.

Override

To overturn the governor's veto by a 2/3 vote of the members present in both the House and the Senate.

Pairing of Votes

Procedure allowed in the Senate only, whereby a member, before the vote is taken, announces to the Senate that he or she has paired his or her vote with an opposing vote of an absent member. The two votes do not affect outcome of the final tally.

Pass a Resolve

Final passage of a resolve by the House or Senate.

Petition

A request describing the nature of the proposed legislation and the objects sought by it, signed by the petitioner, and accompanied by a draft of the bill or resolve embodying the legislation proposed.

Pocket Veto

A veto resulting from the governor's failure to sign a bill following prorogation or dissolution of the second annual sessions of the General Court. Because the session has ended, the bill will not automatically become law after ten days and the General Court has no opportunity to override the veto.

Point of Order

Challenge to a possible breach of order or rule.

Proposal

Document accompanying a petition introducing legislative amendments to the Constitution of the Commonwealth.

Prorogation

Termination of a legislative year by agreement of the Governor, with the advice of the Governor's Council and both legislative bodies.

Quorum

Twenty-one members in the Senate, eighty-one members in the House. Quorum is set by the Constitution and also by rule in each branch of the General Court.

Recess

Temporary delay in proceedings.

Reconsideration

Motion to reconsider a vote on action previously taken. Any member may propose reconsideration and if the motion prevails, the matter is voted on again. Must be moved prior to entering upon the Orders of the Day on the next legislative session.

Referendum Petition

Petition signed by a specified number of voters to repeal a law enacted by the legislators, and requesting that the legislation be suspended until a vote is taken by the people at the next state election.

Refile

A petition similar to one which was presented to the General Court in a previous year.

Report of a Committee

Recommendation on a legislative matter by the committee to which it was referred.

Resolutions

Documents which may or may not accompany a petition expressing an opinion or the sentiment of one or both branches of the General Court, used for congratulations, for memorializing the Congress of the United States regarding public questions, etc. Resolutions do not require the governor's signature.

Resolve

Document accompanying a petition, usually asking for legislative action of a temporary or immediate nature; e.g., establishing temporary investigative commissions.

Senate and House Journals

Record of proceedings in each chamber for each legislative day, including matters considered, amendments offered and votes taken.

Special Law

Legislative act applying to a particular county, city, town or district, individual or group of individuals and not general in nature.

Standing Committees of the Senate and House

Eight permanent committees in the Senate (Administration, Rules, Ways and Means, Bills in Third Reading, Ethics, Post Audit and Oversight, Science and Technology, Steering and Policy) and in the House (Rules, Ways and Means, Bills in Third Reading, Ethics, Counties, Post Audit and Oversight, Personnel and Administration, Science and Technology) which serve their respective legislative bodies separately.

Substitution for an Adverse Report

Procedure by which a committee's adverse report is overturned. The original or a new but very similar bill, resolve or resolution is substituted for the adverse report.

Veto

Governor's objection in writing to legislation enacted by the General Court. The legislation is returned to its branch of origin.

LEGISLATIVE DIRECTORY

	<i>Room</i>	<i>Telephone</i>
Senate Clerk	335	722-1276
House Clerk	145	722-2356
Senate Counsel	200	722-1470
House Counsel	139	722-2360
Legislative Document Room	428	722-2860

Address all mail to:
 State House, Room No. _____,
 Boston, MA 02133

Committees

Banks and Banking	42	722-2370
Bills in Third Reading (House)	20	722-2410
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Post Audit and Oversight (Senate)	312D	722-1555
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Rules (Senate)	210	722-1520
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Steering and Policy (Senate)	413B	722-1555
Taxation	236	722-2430
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Ways and Means (House)	237	722-2380
Ways and Means (Senate)	212	722-1481

ADDITIONAL RESOURCES

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Citizen Information Service at (617) 727-7030 (in Greater Boston area) or 1-800-392-6090 (within Massachusetts only) has computer access to information on pending legislation. The State Bookstore (State House, Room 116) has a helpful booklet titled *Your State Legislators*, which contains the address, telephone number and committee assignments of each legislator, as well as other State House and legislative addresses and telephone numbers. In addition, the Bookstore carries *A Citizen's Guide for Drafting Legislation*, a step by step guide to filing a bill.